IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1616 of 1997
With
CIVIL APPLICATION NO. 11113 OF 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI
and
Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BIPINCHANDRA CHIMANLAL PATEL

Versus

KAMINIBEN D/O RATIBHAI AMIN

Appearance:
1. First Appeal No. 1616 of 1997
MR HM PARIKH for Petitioner No. 1
MR SURESH M SHAH for Respondent No. 1

CORAM : MR.JUSTICE N.G.NANDI
and
MR.JUSTICE M.S.SHAH

Date of decision: 22/04/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE N.G.NANDI)

1. This appeal is filed by the appellant/original plaintiff being aggrieved by dismissal of the part of the suit claim, thereby granting only part decree in favour of the plaintiff present appellant.

The appellant and the respondent have filed consent terms. Appellant Mr. Bipinchandra Chimanlal Patel is present with his advocate Mr. H.M. Parikh, who has also identified the appellant as such . Respondent Mrs. Kaminiben Bipinchandra Patel is also present and is identified as such by Mr. A.B. Munshi, learned advocate. The appellant and the respondent admit their signatures on the consent terms and also the consent terms. It is stated in the consent terms that the present appeal filed by the appellant/ plaintiff being partly aggrieved by the dismissal of the part of the suit claim be allowed and the plaintiff be granted full decree as claimed in the suit/plaintiff.

2. In view of the above, the consent terms are accepted and taken on record. The appeal filed by the appellant/ original plaintiff is allowed, meaning thereby the original plaintiff is entitled to full decree as prayed in the plaint.

Appeal allowed. Decree accordingly inters of settlement / consent terms. No order as to cost.

3. It is jointly stated by the appellant and the respondent that this consent terms shall not affect the liability of the appellant as regards payment of maintenance to respondent as well as daughter Darshana as adjudicated in the divorce proceedings between the appellant and the respondent.

4. Since the main appeal is allowed in terms of the consent terms between the parties, no order is necessitated in Civil Application No. 11113 of 1998 and the same is disposed of accordingly. Direct service permitted.

Dt: 22-4-2003 (N.G. Nandi, J)

(M.S. Shah, J)

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